

RCE 22W

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Request For Continued Examination (RCE) Transmittal Address to: MS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/997,807
	Filing Date	November 30, 2001
	First Named Inventor	Jay M. SHORT
	Art Unit	1631
	Examiner Name	M. Borin
	Attorney Docket Number	564462010900

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply (31 pages)

ii. ☒ Affidavit(s)/Declaration(s) (3 pages)

iii. ☒ Information Disclosure Statement (Supplemental) (SIDS) (3 pages)

iv. ☒ Other Form PTO/SB/08a/b (1 page + duplicate)
One (1) reference
Exhibit A - Fig. 3 (1 page)
Return Receipt Postcard

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1952. I have enclosed a duplicate copy of this sheet. Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

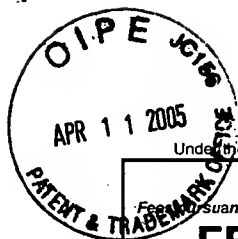
c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Signature		Date	April 6, 2005
Name (Print/Type)	Gregory P. Einhorn	Registration No.	38,440

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: April 6, 2005 Signature: (Norman Green)

04/11/2005 ZJUHARI 00000009 031952 09997807 395.00 DA 01 FC:2801

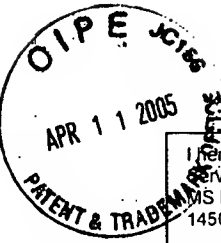


Effective on 12/08/2004. Fee pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
FEE TRANSMITTAL For FY 2005		Application Number	09/997,807
		Filing Date	November 30, 2001
		First Named Inventor	Jay M. SHORT
		Examiner Name	M. Borin
		Art Unit	1631
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	564462010900
TOTAL AMOUNT OF PAYMENT		(\$)	395.00

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: <u>03-1952</u> Deposit Account Name: <u>Morrison & Foerster LLP</u>
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____
2. EXCESS CLAIM FEES							
Fee Description						Small Entity	
						Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims			
_____	_____	x _____	= _____	Fee (\$)		Fee Paid (\$)	
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)				
_____	_____	x _____	= _____				
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof		Fee (\$)	Fee Paid (\$)		
_____	_____	/50 _____ (round up to a whole number) x _____		= _____			
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)						Fees Paid (\$)	
Other (e.g., late filing surcharge): 2801 Request for continued examination (RCE) (see 37 ...						395.00	

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	38,440
Name (Print/Type)	Gregory P. Einhorn	Telephone	(858) 720-5133
		Date	April 6, 2005



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: April 6, 2005 Signature: Norman Green
(Norman Green)

Docket No.: 564462010900 /
910001 / D1590-2US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jay M. SHORT et al.

Application No.: 09/997,807	Confirmation No.: 6627
Filed: November 30, 2001	Art Unit: 1631
For: <u>METHOD OF MAKING A PROTEIN POLYMER AND USES OF THE POLYMER</u>	Examiner: Michael L. Borin

RCE AMENDMENT AND RESPONSE

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

Responsive to the Final Office Action mailed September 09, 2004, Applicants respectfully request entry of the amendments and consideration of the remarks set forth herein. A Notice of Appeal was filed February 09, 2005; the response is due April 09, 2005. Accordingly, this response is timely filed. Applicants respectfully request entry of the amendments and consideration of the remarks set forth herein. Reconsideration is respectfully requested.

This response is accompanied by a request for continued examination (RCE) under 37 C.F.R. §1.114. Thus, the finality of the outstanding final office action will be withdrawn and Applicants are entitled to have this first submission for this RCE entered and considered on the merits.

Amendment to the specification begins on page 3 of this paper.

Amendment to the claims is reflected in the listing of claims which begins on page 4 of this paper.

Remarks begin on page 12 of this paper.

The following documents are enclosed herewith:

- Request for continued examination (RCE) under 37 C.F.R. §1.114;
- Dr. Nelson Barton's Rule 132 declaration;
- Exhibit A: immunofluorescent light microscope image;
- Supplemental Information Disclosure Statement (IDS) (Mai (1998) J. of Bacteriol.

180:4030).